

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Guolin Xu, *et al.*

Serial No.: 10/535,334

Filed: August 21, 2006

Confirmation No.: 3718

Date: February 10, 2009

Group Art Unit: 1651

Examiner: Lora E. Barnhart

For: METHOD AND SYSTEM FOR CELL AND/OR NUCLEIC ACID MOLECULES
ISOLATION

VIA EFS - WEB

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Sir:

In the Office Action mailed in this case on January 15, 2009 the pending claims, i.e., nos. 1-5, 7, 15, 17-23, 27, 31, 32, 35-37 and 39 are subject to both restriction and election requirements.

In particular, in accordance with 35 U.S.C. §121 and §373, applicants are required to elect a single invention from among claim Groups I - III. In response applicants elect, without traverse, the claims of Group II, i.e., nos. 15, 17-23, 27, 31 and 32, which are drawn to a device.

Further to the above, the Office Action additionally states that the application contains claims directed to more than one species of the generic invention and that applicants are also required to elect a single disclosed species. In response, applicants elect species (a), i.e., protease, as the enzyme. Applicants submit that, of the elected claims, nos. 17, 19, 22 and 27 are readable on the elected species.

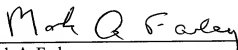
CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner for Patents is petitioned, under 37 C.F.R. §

1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY THROUGH
THE PATENT AND TRADEMARK OFFICE
EFS FILING SYSTEM ON February 10, 2009.

Respectfully submitted,



Mark A. Farley
Registration No.: 33,170
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

MAF:stb